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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,560	12/07/2001	Alexander C. Loui	83799SLP	8608
7590 Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/020,560

Applicant(s)

LOUI ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/17/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-53 are presented for examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/17/2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-4, 6-8, 11-14, 16-18, 21-25, 27-29, 32-36, 38-40, 43-46, 48-50, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Fu et. al. (6,882,793) (hereinafter Fu).

5. As per claim 1, Fu discloses a method of producing a multimedia media, comprising the steps of:

(a) using a software program (col 5, line 67) at a first location to select and arrange a plurality of digital images in a user-identified order (fig 5A, col 14, lines 3-25) to produce a multimedia composition comprised of the plurality of digital images (fig 2A and 5A, col 6, lines 41-52; col 14, lines 3-25);

(b) using the software at the first location to transform and encode the multimedia composition to produce a digital multimedia bit-stream (fig 2A, col 6, lines 41-52);

(c) accessing the digital multimedia bit-stream (fig 5A-5I; col 14, lines 3-25) at the first location to view the digital multimedia bit-stream (fig 2A and 5A, col 6, lines 41-52; col 14, lines 3-25);

(d) generating an order request to create the multimedia media comprised of the digital multimedia bit-stream (fig 3, col 12, lines 42-61; col 13, lines 29-51);

(e) transmitting the digital multimedia bit-stream and said order to a second location remote from the first location (fig 3, col 12, lines 42-61; col 13, lines 29-51); and

(f) fulfilling the order request (fig 3, col 12, lines 42-61; col 13, lines 29-51).

6. As per claim 2, Fu discloses using the software program at the first location to arrange a second plurality of digital images to produce a second multimedia composition (fig 5C, col 15, lines 12-21; col 6, lines 41-52; col 14, lines 3-25);

using the software program at the first location to encode the second multimedia composition to produce a second digital bit-stream (5C, col 6, lines 41-52; col 14, lines 3-25; col 15, lines 12-21); and

transmitting the order request to the service provider to create the multimedia media comprised of the digital bit-stream and the second digital bit-stream (fig 3-5C, col 12, lines 42-61; col 13, lines 29-51; col 15, lines 12-21).

7. As per claim 3, Fu discloses prior to transmitting the order request, using the software program to modifying the arrangement of the plurality of

digital images (fig 5C, col 15, lines 12-21).

8. As per claim 4, Fu discloses, prior to fulfilling the order request, providing payment for the multimedia media (fig 3-5C, col 12, lines 42-61; col 13, lines 29-51; col 15, lines 12-21).

9. As per claim 6, Fu discloses using the software program (col 5, lines 66-67) at the first location to include audio material associated with a portion of the plurality of digital images of the multimedia composition (col 2, line 59 - col 3, line 1).

10. As per claim 7, Fu discloses using the software program at the first location to include textual information with the plurality of digital images to produce the multimedia composition (col 19, lines 47-62).

11. As per claim 8, Fu discloses digital bit-stream is low resolution (col 17, lines 38-52).

12. As per claim 11, Fu discloses (b) the user transmitting the multimedia composition to a service provider located at a second location remote from the first location (fig 3, col 12, lines 42-61; col 13, lines 29-51);

13. As per claims 12-14, and 16-18, claims are rejected for the same reasons as claims 11 and 2-4 and 6-8, above.

14. As per claim 21, the claim is rejected for the same reasons as claim 11, above. In addition, Fu discloses (h) fulfilling the order request at a location remote from said first location (fig 3, col 12, lines 42-61; col 13, lines 29-51).

15. As per claim 22, the claim is rejected for the same reasons as claim 11, above. In addition, Fu discloses (a) a user located at a first location accessing a thumbnail version of each of a plurality of digital images located at a second location remote from the first location (fig 4B, col 13, lines 51-67);

(c) the user transmitting the multimedia composition script to a service provider located at the second location (col 19, lines 47-63).

16. As per claims 23 -25 and 27-29, claims are rejected for the same reasons as claims 22, and 2-4 and 6-8, above.

17. As per claim 32, the claim is rejected for the same reasons as claim 22, above.

18. As per claim 33, the claim is rejected for the same reasons as claim 22, above. In addition, Fu discloses (a) providing a service provider with a plurality of digital images at a remote site (col 13, lines 29-67).

19. As per claims 34-36 and 38-40, claims are rejected for the same reasons as claims 33 and 2-4 and 6-8, above.

20. As per claims 43-46, 48-50, claims are rejected for the same reasons as claims 22-25 and 27-29, above.

21. As per claim 53, Fu discloses a computer storage product having at least one computer storage media having instructions stored therein causing one or more computers to perform the method of Claim 1 (fig 1).

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



23. Claims 5, 9, 10, 15, 19, 20, 26, 30, 31, 37, 41, 42, 47, 51, and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Fu et. al. (6,882,793) (hereinafter Fu) in view of "OFFICIAL NOTICE".

24. As per claims 5, 15, 26, 37, and 47, Fu discloses payment is provided by providing a credit card number (col 13, lines 29-51). Although Fu shows substantial features of the claimed invention including payment for the order. Fu does not explicitly teach a payment is provided by providing a credit card number. "Official Notice" is taken that both the concept and advantages of providing payment is provided by providing a credit card number. It would have been an obvious modification to the system disclosed by Fu to provide user interface for paying through credit card.

25. As per claims 9, 19, 30, 41, and 51, Fu discloses of transmitting an electronic message indicative of the fulfillment of the order request (col 13, lines 29-51). Although Fu shows substantial features of the claimed invention including order fulfillment. Fu does not explicitly transmitting an electronic message indicative of the fulfillment of the order request. "Official Notice" is taken that both the concept and advantages of providing email order confirmation notification. It would have been an obvious modification to the system disclosed by Fu to provide email order confirmation

notification.

26. As per claims 10, 20, 32, 42 and 52, Fu discloses generating an order request (fig 3, col 13, lines 29-51); and transmitting an electronic message indicative of the generation and transmission of the order request (col 13, lines 29-51). Although Fu shows substantial features of the claimed invention including order fulfillment. Fu does not explicitly transmitting an electronic message indicative of the fulfillment of the order request. "Official Notice" is taken that both the concept and advantages of providing email order confirmation notification. It would have been an obvious modification to the system disclosed by Fu to provide email order confirmation notification.

### ***Response to Arguments***

27. Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,950,198

U.S. Patent 5,592,602

U.S. Patent 6,067,400

U.S. Patent 6,721,361

US 2002/0180803

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS



**NATHAN FLYNN**  
**SUPERVISORY PATENT EXAMINER**